

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

ARGEMIRO ZAPATA-CASTRO,  
Defendant.

**ORDER**

(S1) 18 Cr. 601 (PGG)

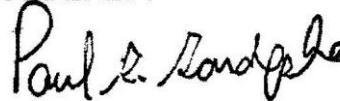
PAUL G. GARDEPHE, U.S.D.J.:

Defendant Argemiro Zapata-Castro pled guilty to Count Seven of the (S1) Indictment in front of Magistrate Judge Stewart Aaron on March 16, 2020. (Plea Tr. (Dkt. No. 294)) As discussed at the July 7, 2021 hearing, this Court has not been able to accept his plea because Defendant claims that he was not advised, before his plea, that his plea agreement provided for a two-level Sentencing Guidelines enhancement for possession of a firearm (see Def. Ltr. (Dkt. Nos. 377, 378)), and has maintained that it was not reasonably foreseeable to him that any co-conspirator would possess firearms.

Defendant's sentencing is adjourned to **August 16, 2021 at 10:00 a.m.** By August 11, 2021, the defense counsel will inform the Court whether the Defendant agrees to the firearms enhancement and has articulated an agreed-upon factual basis for doing so. If not, Defendant's letter will state how the parties propose to proceed.

Dated: New York, New York  
July 13, 2021

SO ORDERED.



Paul G. Gardephe  
United States District Judge